10. 21.03.2017 Heard learned counsel for the parties.

2. This writ petition has been filed by the Management of Eastern India Motion Picture Association assailing the award dated 20.02.2002 (Annexure-7) passed by learned Presiding Officer, Labour Court, Bhubaneswar in ID Case No.63 of 96 holding the termination of workman-opposite party No.3 to be illegal and unjustified and that he is entitled to be reinstated in service with 40% of the back wages.

3. Learned counsel for the petitioner submits that the Management-petitioner filed its written statement contending that the petitioner-Company was not functional on the date of reference. The reference before the learned Labour Court is not maintainable. Although preliminary objection with regard to maintainability of the reference was raised before the learned Labur Court, the same was not looked into and without intimating the petitioner about the date of hearing of the industrial dispute, learned Labour Court proceeded with the matter ex parte and passed the impugned award under Annexure-7, which is not sustainable in the eyes of law.

4. Learned counsel for the Workman-opposite party No.3, on the contrary, supported the impugned award. Referring to the counter affidavit filed, learned counsel submits that although the Management-petitioner filed the written statement, it preferred not to contest the reference. As such, no fault can be found with the impugned award and the same warrants no interference.

5. Taking into consideration the submissions of learned counsel for the parties and on perusal of records, it appears that the Management-petitioner was not given any opportunity of hearing in the matter to put forth its case. Further, learned Labour Court has not discussed in detail the materials available on record to support the findings recorded.

6. In that view of the matter and that the Management-petitioner was prevented from contesting the reference, this Court sets aside the impugned award under Annexure-7 and the matter is remitted back to the learned Labour Court for de novo adjudication of the reference giving opportunity of hearing to the parties, subject to payment of cost of Rs.1,000/- (rupees one thousand) to be paid to the Workman-opposite party No.3 by the Management-Petitioner before the learned Labour Court.

Since the reference relates to the year 1996, it is directed that the learned Labour Court shall do well to adjudicate the reference, as expeditiously as possible, preferably within a period of six months from the date of appearance of the parties. Parties are directed to cooperate with the learned Labour Court for early adjudication of the reference.

The writ petition is accordingly disposed of.

Interim order dated 19.08.2002 passed in Misc. Case No.5856 of 2002 stands vacated.

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S.C. Parija, J.

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K.R. Mohapatra, J.

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